

NEW YORK STATE
**PUBLIC HEALTH
LEGAL MANUAL**

A GUIDE *for*
JUDGES, ATTORNEYS *and*
PUBLIC HEALTH PROFESSIONALS

MICHAEL COLODNER
EDITOR-IN-CHIEF



NEW YORK STATE
Unified Court System



**NEW YORK STATE
BAR ASSOCIATION**

IN COLLABORATION WITH



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FOREWORD

Chief Judge Jonathan Lippman:

In today's world, we face many natural and man-made catastrophic threats, including the very real possibility of a global influenza outbreak or other public health emergency that could infect millions of people. While it is impossible to predict the timing or severity of the next public health emergency, our government has a responsibility to anticipate and prepare for such events. An important element of this planning process is advance coordination between public health authorities and our judicial and legal systems. The major actors in any public health crisis must understand the governing laws ahead of time, and must know what their respective legal roles and responsibilities are. What is the scope of the government's emergency and police powers? When may these be invoked, and by which officials? What are the rights of people who may be quarantined or isolated by government and public health officials?

These questions must be researched and answered now—not in the midst of an emergency—so that the responsible authorities have a ready-made resource to help them make quick, effective decisions that protect the public interest. This *New York State Public Health Legal Manual* is designed to serve this purpose. It will be an absolutely essential tool in guiding us through the effective management of future public health disasters. I am pleased that the New York State Unified Court System was able to play a key role in this historic collaboration along with the New York State Bar Association, the New York State Department of Health, and the New York City Department of Health and Mental Hygiene. I thank each of these organizations for their invaluable cooperation and contributions.

Stephen P. Younger, President, New York State Bar Association

Our vulnerability to public health threats is more apparent than ever before. Thus, it has become increasingly essential that public health officials, judges and lawyers be prepared to deftly navigate the myriad statutes and rules that govern public health disasters. This *Manual*, which is the product of a collaborative effort, captures information gleaned from past disasters and will serve as a tremendous resource for future needs. The New York State Bar Association is grateful for the excellent work of

the Office of Court Administration in producing this manual, and for the tremendous support from the New York State Department of Health and the New York City Department of Health and Mental Hygiene, without which this *Manual* would not have been possible.

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BIOGRAPHIES

MEMBERS OF THE COMMITTEE

Robert Abrams, Esq., is a founding partner and currently of counsel to the health law firm of Abrams, Fensterman, Fensterman, Eisman, Greenberg, Formato & Einiger, LLP. He is the creator and co-editor of the *Legal Manual for New York Physicians* and the editor-in-chief of *Guardianship Practice in New York State*. He is a graduate of New York Law School.

Hon. Richard T. Andrias serves as an Associate Justice of the Appellate Division, First Department. He has written and lectured on the legal aspects of science and public health issues and is an Advanced Science Technology and Resources (ASTAR) fellow, a United States Justice Department-financed Life Science Program for State Judges. He is a graduate of Columbia Law School.

Barbara A. Asheld, Esq., is counsel to Nixon Peabody LLP. She is the former Director of the Bureau of House Counsel in the Division of Legal Affairs of the New York State Department of Health and has served as acting counsel to the state Board of Professional Medical Conduct. She is a graduate of Albany Law School.

Holly M. Dellenbaugh, Esq., is a Senior Attorney with the New York State Department of Health's Division of Legal Affairs. She is a graduate of Fordham Law School.

Justin D. Pfeiffer, Esq., is a Senior Attorney in the New York State Department of Health's Division of Legal Affairs. He is a graduate of Cornell Law School.

Robert N. Swidler, Esq., is General Counsel to Northeast Health, a not-for-profit health care system in New York's Capital Region. He was previously Counsel to the New York State Office of Mental Health, Assistant Counsel to Governor Mario M. Cuomo, and Staff Counsel to the New York State Task Force on Life and the Law. He is a graduate of Columbia Law School.

Hon. Shirley Troutman is a New York State Supreme Court Justice. She is also an Adjunct Professor at the State University of New York at

Buffalo Law School and is an Advanced Science Technology and Resource (ASTAR) fellow, a United States Department of Justice-financed Life Science Program for State Judges. She is a graduate of Albany Law School.

Roslyn Windholz, Esq., is Deputy General Counsel for Health in the New York City Department of Health and Mental Hygiene. She is a graduate of Touro Law School.

Ronald P. Younkins, Esq., is Chief of Operations of the New York State Office of Court Administration and oversees the emergency preparedness program for the New York State Unified Court System. He is a graduate of Rutgers University Law School.

Michael Colodner, Esq., Counsel to the Committee, is Special Counsel to the New York State Office of Court Administration. He previously served as Counsel to that Office. He is a graduate of Columbia Law School.